



LEAGUE OF CONSERVATION VOTERS

May 19, 2003

United States Senate
Washington, DC 20510

Re: Support Amendments to S. 1050 To Protect Endangered Wildlife

Dear Senator,

The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the *National Environmental Scorecard*, which details the voting records of Members of Congress on environmental legislation. The *Scorecard* is distributed to LCV members, concerned voters nationwide, and the press.

1920 L Street, NW
Suite 800
Washington, DC
20036
202-785-8683
Fax: 202-835-0491
E-Mail:
lcv@lcv.org
<http://www.lcv.org>

LCV urges you to support amendments to S. 1050, the Defense Authorization bill, to strike or improve language that would undermine our nation's ability to protect imperiled fish and wildlife under the Endangered Species Act, undermine the role of states and local communities directly impacted by Department of Defense operations, and shift responsibility for habitat protection entirely to other federal agencies and the private sector.

Specifically, the bill blocks any designation of critical habitat under the Endangered Species Act on any lands owned or controlled by the military. Critical habitat provides a crucial safety net for species on the brink of extinction by identifying areas that are needed to help species survive and recover. This language would prevent the U.S. Fish and Wildlife Service and the National Marine Fisheries Service from designating critical habitat and would thus do nothing to ensure that training activities are designed in a manner that avoids unnecessary destruction. This language would also effectively end dialogue between surrounding communities and military installations that are currently working together to manage these lands to protect wildlife.

Waiver provisions already exist in the Endangered Species Act for instances of national security. The DoD has never used these existing waiver provisions—a strong indication that compliance with the Endangered Species Act has not unduly burdened the agency.

The Senate Armed Services Committee rejected other exemption requests made by the DoD, a confirmation that existing laws already strike a proper balance between protection of public health and the environment and military readiness. Any additional concerns with the Endangered Species Act should be addressed through existing waiver provisions, advanced planning between the Department of Defense and environmental agencies, and through the process of cooperation and consultation that has been successful at many DoD sites. Sweeping exemptions, such as those proposed by the Pentagon, will only harm the environment and the credibility of federal agencies and will not meet the needs of the DoD.

For these reasons we urge you to support any amendments offered to strike or improve the ESA exemption provisions and to reject any amendments that would further extend blanket exemptions for the DoD, including any that apply to the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the Clean Air Act, or the Marine Mammal Protection Act. LCV's Political Advisory Committee will consider including votes on these issues in compiling LCV's 2003 *Scorecard*. For more information, please call Betsy Loyless or Mary Minette at 202/785-8683.

Sincerely,

Deb Callahan, President